

## **REMARKS**

Claims 1-10 are now pending in the application. Support for the amended claims is found in the claims as originally found and in the specification including, e.g., paragraphs [0017] through [0024], and drawing Fig. 2. No new matter is added. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

## **REJECTION UNDER 35 U.S.C. § 112**

Claims 3-10 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicants regard as the invention. This rejection is respectfully traversed, accommodated, or rendered moot.

With regard to Claim 3, this rejection relates to the use of the language “not only occasionally for a measurement but also for all time.” Applicants have deleted this language from Claim 3 and it does not otherwise appear in any of the currently amended claims. Accordingly, Applicants believe this rejection as to this language has been rendered moot.

With regard to Claim 4, this rejection relates to the language “detecting an ultrasonic wave echo peak (P) of a posterior wall of the bladder from the reflective echoes of the ultrasonic waves.” Applicants have deleted this language from Claim 4. In addition, currently amended Claim 1 recites, in part, “detecting an ultrasonic wave echo peak (Pi) reflected by a posterior wall of the bladder from the reflective echoes detected by said hardware section.” This modified language of amended Claim 1 is fully supported and clearly explained by the specification including, e.g., drawing Fig. 2.

Accordingly, Applicants believe this rejection as to the identified language of Claim 4 has been rendered moot, traversed, or accommodated.

Applicants understand that the remaining claims are rejected hereunder as a result of their dependence upon one of Claims 3 and 4, discussed above. Accordingly, Applicants believe this rejection has been rendered moot, traversed, or accommodated in its entirety.

#### **REJECTIONS UNDER 35 U.S.C. § 102 AND 35 U.S.C. § 103**

Claims 1-9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Ganguly et al. (U.S. Pat. No. 6,565,512). Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Ganguly (U.S. Pat. No. 6,565,512) in view of Hashimoto (U.S. Pat. No. 2002/0091326). These rejections are respectfully traversed.

Claim 1 recites, in part:

a CPU section electrically connected to said hardware section,  
which is operable for:

\* \* \*

calculating a corrected indicator value by executing a multiplication of said measured indicator value (PD) by a coefficient corresponding to a difference among individuals based on their anatomical structures and a specific posture during the measurement;

calculating an average indicator value by performing an average processing on a plurality of said corrected indicator values obtained in time series; and

estimating a urinary volume in the bladder based on the average indicator value.

(emphasis added)

The Office Action acknowledges that “Ganguly does not specifically disclose a triaxial acceleration sensor.” In fact, Ganguly does not even disclose or suggest taking the posture of an individual into account in estimating a urinary volume. Accordingly, Ganguly certainly does not disclose or suggest “executing a multiplication of said measured indicator value (PD) by a coefficient corresponding to a difference among individuals based on their anatomical structures and a specific posture during the measurement” as recited in Claim 1.

These rejections point to Hashimoto as disclosing a triaxial acceleration sensor. Hashimoto is exactly like Ganguly, however, in that it likewise fails to disclose or suggest taking the posture of an individual into account in estimating a urinary volume. In fact, Hashimoto relates to the tendency of elderly individuals with dementia to prowl. Thus, Hashimoto describes a means for tracking the action of such elderly persons. See, e.g., paragraph [0004] of Hashimoto.

Given the complete lack of disclosure or suggestion in any of the cited prior art to use a coefficient based on posture in estimating a urinary volume as recited in Claim 1, Applicants note that it is wholly improper to simply combine the elements of Ganguly and Hashimoto in this manner. In this regard, Applicants note that the Supreme Court has stated that “[a]s is clear from cases such as *Adams*, a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art.” KSR Int'l v. Teleflex Inc., 127 S.Ct. 1727, 82 USPQ2d 1385, 1396 (2007). Moreover, in discussing the review of a determination of

obviousness, the Supreme Court quoted from *In re Kahn* stating that “rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *Id.* Given the complete lack of disclosure or suggestion to use a coefficient based on posture in estimating a urinary volume these rejections fail to articulate the reasoning with rational underpinning that is required to support a finding of obviousness.

Moreover, since Ganguly and Hashimoto fail to disclose or suggest a taking the posture of an individual into account in estimating a urinary volume, they certainly fail to disclose or suggest using “a coefficient corresponding to a difference among individuals based on their anatomical structures and a specific posture during the measurement” to estimate a urinary volume in the bladder are recited in Claim 1. No such coefficient based on (1) posture and (2) anatomical structure is disclosed or suggested in the cited references, much less the multiplication of measured indicator value (PD) by such a coefficient as recited in Claim 1.

Accordingly, Applicants respectfully assert that the invention as recited in Claim 1 not disclosed nor suggested by Ganguly and Hashimoto, either singly or in combination. Since each of the remaining claims depend, directly or indirectly, from Claim 1, Applicants respectfully assert that they are likewise patentable for at least the reasons discussed above.

**CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: August 11, 2009

By:   
Michael E. Hilton  
Reg. No. 33,509

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600

MEH/sm

14740029.1